

REMARKS/ARGUMENTS

The claims have been amended by rewriting claims 1-3, 5, 8, 9 and 13, canceling claims 4, 7 and 15-17, and adding claims 18 and 19. Claims 1-3, 5, 6, 8-14, and 18-19 remain in the application.

Reconsideration of this application is respectfully requested.

The abstract of the disclosure was objected to because of informalities. The amended abstract discusses the features of the present invention taken from claim 1.

The disclosure is objected to because of the following informalities: The contents of the specification lack the title of the "Brief Summary of the Invention".

37 C.F.R. §1.73 provides:

A brief summary of the invention indicating its nature and substance, which may include a statement of the object of the invention, should precede the detailed description. Such summary should, **when set forth**, be commensurate with the invention as claimed and any object recited should be that of the invention as claimed [Emphasis added].

Hence, M.P.E.P. §608.01(a) merely states that when a "Summary of the Invention" is part of the specification, it should appear in a particular place in the order of the items within the specification. Clearly, the "when set forth" language reflects that a "Summary of the Invention" is *not* a required part of the specification, but merely a suggested one. Hence, it is proper to delete the "Summary of the Invention" from the specification, as it is not required.]

Claims 1-16 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Wood, Jr. (USPN 6,104,333). In support, the Examiner suggests that Wood, Jr. anticipates the claimed invention (see page 3 of Office action). Based upon this comparison, the Examiner insists Wood, Jr. anticipates the present invention. The Applicants, however, strongly disagree.

In short, the novelty provision of 35 U.S.C 102(b) denies patentability when "the invention" was patented or described in a printed publication in this or a foreign country or in

public use or on sale in this country, more than one year prior to the date of the application for patent in the United States. It is well established, however, to "anticipate," pursuant to 102 (b), a single prior art reference must disclose each limitation of a claimed invention or its equivalents functioning in essentially the same way as arranged in the claim.

As amended, each claim in the present application recites, or depends from claims which recite:

...a radio frequency identification device *comprising a plurality of data fields*:

...*maintaining the data field from which the last data symbol was transmitted*, and temporarily suspending data transmission;

... if the data field that was maintained is equivalent to the given data field identified in the request, repeating steps a-d, *starting with a first symbol in the data field that was maintained*; otherwise, continuing to temporarily suspend data transmission.

While the Wood, Jr. patent relates to an arbitration scheme in processing wireless communications, a careful reading of this reference fails to disclose a *single* radio frequency identification device *comprising a plurality of data fields...maintaining the data field from which the last data symbol was transmitted*,... if the data field that was maintained is equivalent to the given data field identified in the request, repeating steps a-d, *starting with a first symbol in the data field that was maintained*.

Wood, Jr. discloses an arbitration scheme in which the interrogator sends a command causing each device of a to select a random number from a known range and use it as that device's arbitration number. By transmitting requests for identification to various subsets of the full range of arbitration numbers, and checking for an error-free response, the interrogator determines the arbitration number of every device capable of communicating at the same time. Therefore, the interrogator is able to conduct subsequent uninterrupted communication with devices, one at a time, by addressing only one device (col. 15, lines 20-31). Nowhere does Wood, Jr. teach, suggest or make obvious a single RFID device comprising a plurality of data fields. The Examiner mistakenly associates the RFID comprising a plurality of data fields of the present invention with a single field in a plurality of RFID devices as described in the Wood, Jr. reference. As such, the Wood, Jr. patent further fails to teach, suggest or make obvious *maintaining the data field from which the last data symbol was transmitted*,... if the data field

that was maintained is equivalent to the given data field identified in the request, repeating steps a-d, *starting with a first symbol in the data field that was maintained.*

Based upon this lack of teaching, the applicant insists that Wood, Jr. fails to describe the invention of the present application. Since Wood, Jr. fails to disclose essential limitations of the claimed invention, there is no anticipation under 35 U.S.C. 102, because the exclusion of a claimed element from the prior art reference is enough to negate anticipation by that reference. For these reasons, the Applicants assert that the claims in the present application are not anticipated by Wood, Jr. and may therefore be passed to allowance.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants believe that the subject application, as amended, is in condition for allowance. The Applicants earnestly solicit such action.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

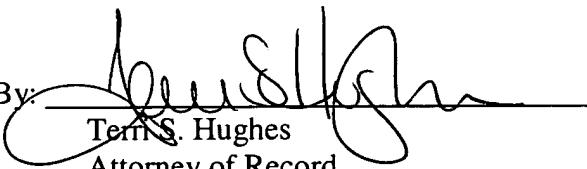
Accordingly, this application is believed to be in proper form for allowance and an early notice of allowance is respectfully requested.

Please charge any fees associated herewith, including extension of time fees, to Deposit Account No. 502117.

Respectfully submitted,

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